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Williams, Sr., Cheryl Burson, Tanya Hill,
and Johnny Youngblood*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN D. RICHARD,
Plaintiff,

v.

GREG COX, *et al.*,
Defendants.

Case No. 2:12-cv-1236-GMN-CWH

**MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR SUMMARY JUDGMENT
[THIRD REQUEST]**

AND ORDER THEREON

Defendants James G. Cox, Brian Connett, Sheryl Foster, Brian E. Williams, Sr., Cheryl
Burson, Tanya Hill, and Johnny Youngblood, by and through counsel, ADAM PAUL LAXALT,
Nevada Attorney General, and ERIC N. TRAN, Deputy Attorney General, of the State of

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Nevada, Office of the Attorney General, hereby submit this Motion for Extension of Time to File Motion for Summary Judgment [Third Request].

DATED this 12th day of August, 2015.

Respectfully submitted,

ADAM PAUL LAXALT
Nevada Attorney General

By: /s/ Eric N. Tran
ERIC N. TRAN
Deputy Attorney General
Nevada Bar No. 11876
Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES
LEGAL ARGUMENT

Plaintiff Steven D. Richard is a former inmate of the Nevada Department of Corrections (“NDOC”). Plaintiff filed his Civil Rights Complaint asserting that several employees of the NDOC violated his constitutional rights while he was incarcerated at Southern Desert Correctional Center (“SDCC”). Dkt. # 11. Plaintiff’s Complaint alleges that employees at SDCC violated his First and Fourteenth Amendment rights by denying him a meatless diet to accommodate his religious belief. *Id.* Plaintiff also alleges that employees at SDCC violated his First Amendment Rights by denying him the ability to wear his Rastafarian religious headwear. *Id.*

On January 30, 2015, this Court issued a Scheduling Order stating that Motions for Summary Judgment shall be filed and served by May 30, 2015. Dkt. # 30. On July 14, 2015, Defendants filed a Motion for Extension of Time to File a Motion for Summary Judgment (Second Request) seeking up to and until August 13, 2015, to file a Motion for Summary Judgment. See Dkt. # 32.

Defendants’ counsel has been working diligently to complete a motion for summary judgment by the August 13, 2015, deadline. However, two Senior Deputy Attorney Generals recently transferred to different divisions within the Office of the Attorney General. As a result

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of these recent departures, Defendants' counsel was assigned to take over a significant number of the Senior Deputy Attorney Generals' active cases.

In addition, on July 30, 2015, Defendants' counsel was involved in a motor vehicle accident. **See Exhibit A.** Defendants' counsel injured his back as a result of the motor vehicle accident. Defendants' counsel was also treated for two days in the hospital.¹ These events have significantly impacted Defendants' counsel's ability to file a motion for summary judgment by the August 13, 2015, deadline. As such, Defendants request an additional 30 days up to and until September 14, 2015, to file a motion for summary judgment.

FRCP 6 (b)(1) states that "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires."

Based on the foregoing, Defendants request an additional 30-day extension of time from the present deadline up to September 14, 2015, to file a motion for summary judgment. Absent any extreme and unforeseen circumstances, Defendants' counsel will not seek any further extensions.

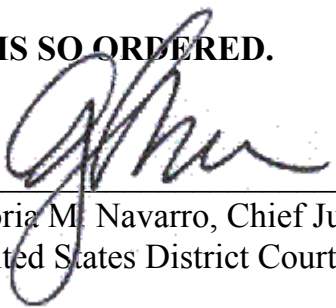
DATED this 12th day of August, 2015.

Respectfully submitted,

ADAM PAUL LAXALT
Nevada Attorney General

IT IS SO ORDERED.

By: /s/ Eric Tran
ERIC N. TRAN
Deputy Attorney General
Attorneys for Defendants



Gloria M. Navarro, Chief Judge
United States District Court

DATED: 08/13/2015.

¹ Defendants' counsel has not yet fully recovered from his back injury. However, as a result of the recent turn over at the Office of the Attorney General, and the numerous upcoming dispositive motions deadline in other cases, Defendants' counsel has felt obligated to come into the office and work (to the extent that he can) on his active cases.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on the 12th day of August, 2015, I served the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE MOTIONS FOR SUMMARY JUDGMENT [THIRD REQUEST]**, by causing a true and correct copy thereof to be filed with the Clerk of the Court, using the electronic filing system, and by causing a true and correct copy thereof to be delivered to the Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

Steven D. Richard
1605 Justin Court
Henderson, Nevada 89011
Plaintiff, Pro Se

/s/ Carol A. Knight

CAROL A. KNIGHT
An employee of:
STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

EXHIBIT A

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